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C O N F I D E N T I A L SECTION 01 OF 02 KHARTOUM 001134

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DEPARTMENT FOR AF A/S FRAZER, AF S/E NATSIOS, AND AF/SPG  
NSC FOR PITTMAN AND SHORTLEY  
ADDIS ABABA ALSO FOR USAU

E.O. 12958: DECL: 07/21/2012

TAGS: [PGOV](#) [PREL](#) [PHUM](#) [SU](#)

SUBJECT: SLM TRIAL BEGINS FOR DEADLY MARCH CONFRONTATION IN  
KHARTOUM

REF: A. KHARTOUM 00466

[1](#)B. KHARTOUM 00484

[1](#)C. KHARTOUM 00524

[1](#)D. KHARTOUM 01063

Classified By: CDA Alberto Fernandez, Reason: Sections 1.4 (b) and (d)

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Trial of SLM Members Begins  
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[1](#)1. (C) The trial of five members of the Sudan Liberation Movement (SLM) involved in the Spring confrontation with Sudanese security services in Khartoum began July 2. SLM Legal Advisor Abdulaziz Sam told Poloff on July 19 that the five are accused of killing three policemen and wounding six after a traffic dispute escalated into the March 24 assault by Sudanese security services on an SLM residence and the party headquarters in the Omdurman neighborhood of the capital (Refs. A, B, and C). The attack left nine SLM partisans dead and over 50 wounded, in addition the police casualties. During pre-trial motions on July 18, Sam reported that the presiding judge had asked the prosecutor for direct evidence linking the SLM defendants to the charges, which he was unable to provide. Police witnesses are scheduled to testify at the trial on July 22. The judge will then determine if there is sufficient evidence for the case to proceed.

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Case Against Security Services Stalled  
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[1](#)2. (C) The criminal case against the security services for the related deaths of nine SLM members is stalled at the order of Minister of Justice Mohammed Ali Al Mardi, according to Sam. The Khartoum prosecutor had intended to try both cases "in parallel" and had objected to Al Mardi's decision. Four of the SLM defendants were guards of party Secretary General Mustafa Tirab. The SLM maintains that they arrived in Omdurman after the police had begun shelling the SLM residence with gunfire and grenades, under the pretext of arresting someone involved in a minor traffic accident in front of the house. Sam said that none of the four were armed. The fifth defendant was an invalid living in the residence, which housed previously injured SLM fighters.

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Commission Favors SLM Position  
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[1](#)3. (C) After the March 24 attack, the Presidency had

established a commission comprised of prominent jurists to investigate the circumstances of the incident. Sam claimed that the commission chairman, Sudan People's Liberation Movement (SPLM) member and human rights lawyer Ghazi Suleiman, had told Senior Assistant to the President and SLM leader Minni Minawi that the report was "positive" for the SLM. At the behest of the National Congress Party (NCP), the report has not been released. According to Sam, President Bashir wanted to address the situation outside of public view. After the trial began, Bashir had even called Minawi to complain that a "political matter" was being handled through the judiciary. Minawi had explained that the trial was against the SLM--not the police--and had requested that the baseless charges be dismissed. Bashir did not respond to Minawi's clarification on the nature of the trial or his request for dismissal of the charges.

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Threat of Civil Suit?  
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14. (C) Given the stalled criminal case against the police, Poloff asked about the viability of a civil suit. Sam explained that civil cases were rare in Sudan because of prohibitive court fees and that most settlements were instead awarded through criminal cases. However, Sam said the SLM would consider announcing the possibility of filing a civil case in order to pressure the Government to release the five defendants. "It could be politically helpful," he explained.

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Addressing the DPA's Legal Status Would Strengthen SLM  
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15. (C) Many of the problems facing the SLM and the

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Transitional Darfur Regional Authority (TDRA) stem from their quasi-legal status within the Government of National Unity (GNU), according to Sam. As a step toward incorporating the Darfur Peace Agreement (DPA) and the TDRA into the national legal framework, he is developing a bylaw for the TDRA to specify its internal structures (Ref. D). The draft bylaw delineates the role and powers of the Senior Assistant to the President, including on security, reconstruction and development, and foreign relations. The bylaw will be reviewed by the three Darfur state governors and then passed within the TDRA by the end of July. Sam did not anticipate objections to any of the key provisions of the bylaw from the governors, who he said "were trying to be cooperative now." Poloff reiterated the USG's interest in supporting the integration of the DPA and the TDRA into the national interim constitution by facilitating cooperation between the SLM and the SPLM and providing technical assistance through the National Democratic Institute for International Affairs (NDI).  
FERNANDEZ